

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Thomas LENZ ) Confirmation No: 8635  
Application No.: 09/618,853 )  
Filed: July 18, 2000 ) Group Art Unit: 3663  
)  
For: PROCESS FOR AUTOMATIC DRIVE SLIP CONTROL (ASR)  
)  
Examiner: Tuan C. TO

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

**INTERVIEW SUMMARY PURSUANT TO 37 C.F.R. § 1.133(b)**

Sir:

Applicants and applicant's representative wish to thank the Examiner for the telephonic interview with applicant's representative on December 3, 2008. Further to the Examiner's Interview Summary dated December 3, 2008, applicant's representative provides the following summary of the substance of the interview.

To clarify the record, applicant's representative identified the Information Disclosure Statement (IDS) date stamped "Aug. 18, 1999" as having been fully considered by the Examiner as evidenced by the initialed PTO-1449 signed and dated by the Examiner on May 17, 2001. A copy of the signed PTO-1449 was provided to the Examiner. Upon review, the Examiner agreed that references listed on the IDS date stamped Aug. 18, 1999 had been previously considered and agreed to confirm that fact in a Supplemental Notice of Allowance. Applicant also noted that the Aug. 18, 1999 OIPE date stamp appears to be a clerical error as the IDS was filed on September 12, 2000, as indicated by the Certificate of Mailing on the Transmittal Form of the IDS filing. Moreover, the Aug. 18, 1999 date stamp must be a clerical error in view of the fact that the

instant application was filed on July 18, 2000 after the incorrect stamp date of Aug. 18, 1999.

Copies of the September 12, 2000 IDS filing, the acknowledged PTO-1449 form signed on May 17, 2001 and the incorrectly date stamped "Aug. 18, 1999" Transmittal Form are attached.

Applicant's representative reviewed the file history with the Examiner and together identified references U.S. Patent Nos. 5884719, 5342120 and 5082081 as references cited by the Examiner in Detailed Actions but not listed on a PTO-892. The Examiner agreed to list the references on a PTO-892 to be attached to the Supplemental Notice of Allowance.

As stated in the Examiner's Interview Summary, all references of record have been considered. A copy of the Examiner's Interview Summary is attached.

Respectfully submitted,



David Baltazar  
Attorney for Applicant  
Reg. No.: 53,964

**Proskauer Rose LLP**  
1001 Pennsylvania Avenue, NW  
Suite 400 South  
Washington, DC 20004-2533  
Telephone: 202.416.6800  
Facsimile: 202.416.6899

**CUSTOMER NO: 61263**

Receipt is officially acknowledged of the following papers:

- Information Disclosure Statement with PTO-1449 & references
- Transmittal Letter
- German Search Report w/ English translation

the date stamped hereon. September 12, 2000

Submitted in the case: 76138-111

Serial No.: 09/618,853

COPY

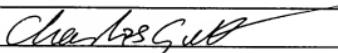
Please type a plus sign (+) inside this box →

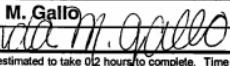
Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/618,853	
		Filing Date	7/18/00	
		First Named Inventor	LENZ	
		Group Art Unit		
		Examiner Name		
Total Number of Pages in This Submission		Attorney Docket Number		76138-111

<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) ( ___ sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): 1. PTO 1449 w/ References 2. German Search Report (in German & English)
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53			
Remarks			

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual name	Charles Guttman, Reg. No. 29,161 Proskauer Rose LLP
Signature	
Date	September 12, 2000

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/> September 12, 2000	
Typed or printed name	Linda M. Gallo 
Signature	<input type="text"/> Linda M. Gallo
Date	September 12, 2000

+

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

+

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Thomas LENZ et al.
Filing Date :	July 18, 2000
Serial No. :	09/318,853
Entitled :	PROCESS FOR AUTOMATIC DRIVE SLIP CONTROL (ASR)

SUPPLEMENTAL  
INFORMATION  
DISCLOSURE  
STATEMENT  
WITH GERMAN  
SEARCH  
REPORT

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

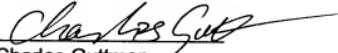
Sir:

Submitted herewith is a German Search Report, an English version thereof, a PTO-1449 form, and the listed references. The German Search Report issued in connection with a German patent application that is a counterpart of the above-identified U.S. patent application.

It is requested that the listed references be considered herein.

Respectfully submitted,

Date: September 12, 2000

  
Charles Gutman  
Reg. No. 29,161  
Attorney for Applicant(s)

PROSKAUER ROSE LLP  
1585 Broadway  
New York, New York 10036  
Tel: (212) 969-3000

Enclosures: German Search Report and English version  
PTO-1449 form and listed references

Form PTO-1449 (REV. 6-89)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. <b>76138-111</b>	Serial No. <b>09/618,853</b>
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		Applicant <b>LENZ et al.</b>	
		Filing Date <b>7/8/00</b>	Group Art Unit

## U.S. PATENT DOCUMENTS

SIGHT PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER			DATE	NAME	CLASS
						SUB CLASS

## FOREIGN PATENT DOCUMENTS

**OTHER DOCUMENTS (Including Author, Title, Date, Recipient, Pages, Etc.)**

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	

**EXAMINER**

---

**DATE CONSIDERED**

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP§601: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the Patent Office.

(From:  
GERMAN PATENT OFFICE  
80297 München  
GERMANY

Date: August 10, 2000

Page 1

PATENT NO. 199 34 376.4

Enclosure 1

In connection with the search under § 43 of the Patent Law, the following references are cited:

Publications:

DE 196 15 294 A1	DE 196 03 677 A1
DE 196 01 529 A1	DE 195 48 564 A1
DE 195 45 013 A1	DE 195 38 545 A1

(From:)  
GERMAN PATENT OFFICE  
Zweibrückenstraße 12  
8000 München 2  
GERMANY

Enclosure 2

+GERMAN SEARCH REPORT

Serial No. 199 34 376.4

COMMENTS ABOUT THE REFERENCES FOUND		
1	2	3
Category	References/Comments	Claims involved
Y	DE 195 38 545 A1 Claims 1,3, Column 1, Line 64 - Column 2, Line 6	1,2
Y,D	DE 196 03 677 A1 Claims 5,7, Column 4, Line 42 - Column 5, Line 6	1,3,6
Y	DE 196 15 294 A1 Claim 5	2
Y	DE 195 45 013 A1 Figure u, Column 3, Lines 44 - 64	2
Y	DE 196 01 529 A1 Claims 3,4	6
A	DE 195 48 564 A1	

For explanation see reverse

## EXPLANATIONS

### Column 1: Category

0	X	=	references that by themselves alone raise the question of novelty or inventive level
	Y	=	references that jointly with other references raise the question of inventive level
	A	=	generally, prior art, technological background
	O	=	unwritten prior art, for example a lecture that had publicly been given before the filing date or priority date and been reproduced subsequently
	P	=	reference published during the priority period
	T	=	Post-published non-affecting references that refer to the theory of the invention of the application that can be useful for better comprehending that invention, or rather show that the thoughts or facts on which that invention is based might be false
	E	=	older applications according to Sec. 3 par.2 (German) patent statute (for searches under Sec. 43 thereof; older patent applications or older Gebrauchsmuster according to Sec. 15 (German) Gebrauchmuster statute (for searches per Sec. 7 thereof)
	D	=	references which have been referred to in the patent application
	L	=	special references, for example, regarding the publication date of a reference or where there is doubt about priority.

For searches according to Sec.7 (German Gebrauchmuster statute, only type "A" and "E" references will be named.

### Column 2: References/Comments

"Veroff"	=	date of publication of a reference during the priority period
"nr"	=	not searched as generally known prior art, or not discernable at searching
"="	=	references that are based on the original [parent] application "patent families" or to which they relate referenda or abstracts
"_"	=	Nothing found

### Column 3: Claims involved

The claims are listed here referring to the items listed in Column 2.

# Deutsches Patent- und Markenamt

München, den 16. August 2000

Telefon: (0 89) 21 95 - 3206

Aktenzeichen: 199 34 376.4

Anmelder: s.Adr.

Deutsches Patent- und Markenamt · 80297 München

Wabco GmbH & Co.OHG  
Postfach 91 12 62

Ihr Zeichen: WP 13/99 DE

30432 Hannover

Bitte Aktenzeichen und Anmelder bei  
allen Eingaben und Zahlungen angeben

Zutreffendes ist angekreuzt  und/oder aus ausgefüllt!

## Ergebnis einer Druckschriftenermittlung

Auf den Antrag des

wirksam am 22.07.1999 gemäß  § 43 Patentgesetz  § 7 Gebrauchsmustergesetz  
sind die auf den beigefügten Anlagen angegebenen öffentlichen Druckschriften ermittelt worden.  
Ermittelt wurde in folgenden Patentklassen:

Klasse/Gruppe	Prüfer	Patentabt.
B60K 28/16	Buchfink	21

Die Recherche im Deutschen Patent- und Markenamt stützt sich auf die Patentliteratur folgender Länder und Organisationen:

Deutschland (DE,DD), Österreich, Schweiz, Frankreich, Großbritannien, USA, Japan (Abstracts),  
UDSSR (Abstracts), Europäisches Patentamt, WIPO.

Recherchiert wurde außerdem in folgenden Datenbanken:

### Anlagen:

Anlagen 1, 2 und 3 zur Mitteilung der ermittelten Druckschriften

Patentabteilung 11  
Recherchen-Leitstelle

### 6 Druckschrift(en) bzw. Abbildung(en)



**P 2251** Annahmestelle und Dienstgebäude Hausadresse (für Fracht) Telefon (0 89) 2195-0 Bank: Landeszentralbank München 700 010 54  
05/99 Nachtriebskosten Deutsches Patent- und Markenamt Telefax (0 89) 2195-2221 (BLZ 700 000 00)  
nur Zweibrückenstraße 12 Zweibrückenstraße 12 80331 München Internet-Adresse <http://www.patent-und-markenamt.de>



Schnellbahnhanschluß im Rosenheimer Str. 116 / Balanstraße 59  
Münchner Verkehrs- und ZweiBrückenstraße 12 (Hauptgebäude) Rosenheimer Str. 116 / Balanstraße 59  
Tarifverbund (MVV): ZweiBrückenstraße 5-7 (Breiterhof). Alle S-Bahnen Richtung Ostbahnhof, ab Ostbahnhof Buslinien  
S1 - S8 Isartor 45 / 95 / 96 / 198 Haltestelle Kustermannpark Cincinnatistraße 64  
S2 Fasangarten Bus 98 oder 99

199 34 376.4

**Deutsches Patent- und Markenamt** . 80297 München**Anlage 1****zur Mitteilung über die ermittelten Druckschriften  
gemäß § 43 des Patentgesetzes****Druckschriften:**

DE	196 15 294 A1 -	DE	196 03 677 A1 -
DE	196 01 529 A1 -	DE	195 48 564 A1 -
DE	195 45 013 A1 -	DE	195 38 545 A1 -

## Deutsches Patent- und Markenamt

80297 München

## Anlage 2

zur Mitteilung der ermittelten Druckschriften

Aktenzeichen

199 34 376.4

## Erläuterungen zu den ermittelten Druckschriften:

1 Kate- gorie	2 Ermittelte Druckschriften/Erläuterungen	3 Betrifft Anspruch
Y	DE 195 38 545 A1 Anspr.1,3, Sp.1, Zeile 64 – Sp. 2, Zeile 6	1,2
Y,D	DE 196 03 677 A1 Anspr.5,7, Sp.4, Zeile 42 – Sp.5, Zeile 6	1,3,6
Y	DE 196 15 294 A1 Anspr.5	2
Y	DE 195 45 013 A1 Fig. u. Sp. 3, Zeile 44 – 64	2
Y	DE 196 01 529 A1 Anspr.3,4	6
A	DE 195 48 564 A1	

**Hinweise zur Mitteilung (Vordruck P 2251)**

Eine Gewähr für die Vollständigkeit der Ermittlung wird nicht geleistet (§ 43 Abs. 7 Patentgesetz bzw. § 7 Abs. 2 Gebrauchsmustergesetz i.V.m. § 43 Abs. 7 Satz 1 Patentgesetz).

Die angegebene Patentliteratur kann in den Ausleghallen des Deutschen Patent- und Markenamts, 80331 München, Zweibrückenstraße 12, oder 10969 Berlin, Gitschner Str. 97 eingesehen werden; deutsche Patentschriften, Auslegeschriften und Offenlegungsschriften auch in den Patentinformationszentren. Ein Verzeichnis über diese Patentinformationszentren kann auf Wunsch vom Deutschen Patent- und Markenamt sowie von einigen Privatfirmen bezogen werden.

**Erklärungen zur Anlage 2 (Vordruck P 2253)****Spalte 1: Kategorie**

Es bedeutet:

- X: Druckschriften, die Neuheit oder Erfindungshöhe allein in Frage stellen
- Y: Druckschriften, die die Erfindungshöhe zusammen mit anderen Druckschriften in Frage stellen
- A: Allgemein zum Stand der Technik, technologischer Hintergrund
- O: Nicht-schriftliche Offenbarung, z.B. ein in einer nachveröffentlichten Druckschrift abgedruckter Vortrag, der vor dem Anmelder- oder Prioritätstag öffentlich gehalten wurde
- P: Im Prioritätsintervall veröffentlichte Druckschriften
- T: Nachveröffentlichte, nicht kollidierende Druckschriften, die die Theorie der angemeldeten Erfindung betreffen und für ein besseres Verständnis der angemeldeten Erfindung nützlich sein können bzw. zeigen, daß der angemeldeten Erfindung zugrunde liegende Gedankengänge oder Sachverhalte falsch sein könnten
- E: Ältere Anmeldungen gemäß § 3 Abs. 2 PatG (bei Recherchen nach § 43 PatG); ältere Patentanmeldungen oder ältere Gebrauchsmuster gemäß § 15 GbmG (bei Recherchen nach § 7 GbmG)
- D: Druckschriften, die bereits in der Patentanmeldung genannt sind
- L: Aus besonderen Gründen genannte Druckschriften, z.B. zum Veröffentlichungstag einer Erürgen- haltung oder bei Zweifeln an der Priorität.

**Spalte 2: Ermittelte Druckschriften / Erläuterungen**

Veröff.: Veröffentlichungstag einer Druckschrift im Prioritätsintervall

- nr: Nicht recherchiert, da allgemein bekannter Stand der Technik, oder nicht recherchierbar
- =: Druckschriften, die auf dieselbe Ursprungsanmeldung zurückgehen ("Patentfamilien") oder auf die sich Referate oder Abstracts beziehen.
- "-": Nicht ermittelt

**Spalte 3: Betroffene Ansprüche**

Hier sind die Ansprüche unter Zuordnung zu den in Spalte 2 genannten relevanten Stellen angegeben.



#3 0260  
03 (c)

Please type a plus sign (+) inside this box →

PTO-908 (6-98)  
Approved for use through 09/30/2000. OMB 0551-0631  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>	
(to be used for all correspondence after initial filing)	
Total Number of Pages in This Submission	Application Number 09/618,853
	Filing Date 7/18/00
	First Named Inventor LENZ
	Group Art Unit
	Examiner Name
	Attorney Docket Number 76138-111

<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (____ sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) <input type="checkbox"/> and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): 1. PTO 1449 w/ References 2. German Search Report (In German & English)
Remarks		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Charles Guttman, Reg. No. 29,161 Proskauer Rose LLP	
Signature		
Date	September 12, 2000	

<b>CERTIFICATE OF MAILING</b>		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/> September 12, 2000		
Typed or printed name	Linda M. Gallo 	Date September 12, 2000
Signature		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Form PTO-1449 (REV. 6-89)	Aug 18 1999 U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 76138-111	Serial No. 09/618,853
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		Applicant LENZ et al.	
		Filing Date 7/8/00	Group Art Unit 366

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

**COPY**

**EXAMINER**

THIAN C. TO

**DATE CONSIDERED**

05/17/2001

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP§600 : Draw line through citation if not in conformance and not considered, include copy of this Form with next communication to the Patent Owner.

<b>Interview Summary</b>	Application No.	Applicant(s)
	09/618,853	LENZ ET AL.
	Examiner TUAN C. TO	Art Unit 3663

All participants (applicant, applicant's representative, PTO personnel):

(1) Tuan C To. (3) \_\_\_\_\_

(2) David J. Baltazar. (4) \_\_\_\_\_

Date of Interview: 03 December 2008.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: All of the references listed in the IDS filed on 08/18/1999 were previously considered. A copy of it is now attached to the supplemental NOA. The cited references (U.S. 5884719A, U.S. 5342120A, U.S. 5082081A) previously missing from the record are now included in the PTO-892. Thus, all said references are considered prior the applicant's payment of issue fee.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**COPY**

Tuan C To/  
Primary Examiner

12/3/2008